

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Tadashi OGASAWARA et al.

Art Unit: 1793

Application No.: 10/575,225

Examiner: McGuthry Banks, T.

Filed: April 7, 2006

Attorney Dkt. No.: 12054-0056

For: METHOD FOR PRODUCING TI OR TI ALLOY THROUGH REDUCTION BY Ca

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February 17, 2009, a petition for a one month extension of time is made and payment is addressed at the end of this filing. Currently, claims 1, 2, 8, 9, 11-16, 18, and 23 are before the Examiner for consideration on their merits.

In the outstanding rejection, the previous rejection based on Winters is withdrawn and the only remaining issues pending our double patenting rejections.

The double patenting rejections in relation to the instant application can be summarized in the following tables.

Instant Application

<u>Serial No.</u>	<u>Filing Date based on PCT application</u>
10/575,225	October 6, 2004

Applications used in the rejections

Serial No.	Filing Date based on PCT applications
11/992,162	August 22, 2006
11/991,072	August 22, 2006
10/589,879	February 16, 2005
10/589,949	February 1, 2005
10/575,224	October 6, 2004
10/590,863	October 13, 2004

It can be seen from this table that all but one of the applications used in the double patenting rejections have filing dates after the instant application's filing date of October 6, 2004. MPEP 1490(V.)(D.) indicates that if provisional double patenting rejections are the only rejections left in an application and the application used to make the double patenting rejection has a filing date after the rejected application, the provisional double patenting rejections based on the later filed applications should be withdrawn. The MPEP also indicates that Terminal Disclaimers may be required in the later-filed applications, but that has no effect on the instant application.

The remaining application, i.e., serial no. 10/575,224 was filed on the same day as the instant application. However, this application is abandoned as of May 25, 2009. A response to the Office Action dated November 25, 2009 was not filed. Therefore, the double patenting rejection based on this application is moot.

To recap, the obviousness-type double patenting rejections should be withdrawn since each is based on an application having a filing date after the instant application and no other rejections are pending in this application.

Accordingly, the Examiner is requested to examine this application and pass all pending claims onto issuance.

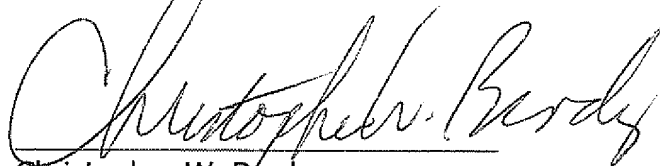
If the Examiner believes that an interview would be helpful in expediting the allowance of this application, the Examiner is requested to telephone the undersigned at 202-835-1753.

The above constitutes a complete response to all issues raised in the Office Action dated February 17, 2009.

Again, reconsideration and allowance of this application is respectfully requested.

A petition for a one month extension of time is made. Please charge Deposit Account No. 50-1088 the petition fee of \$130.00. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
CLARK & BRODY

A handwritten signature in black ink, appearing to read "Christopher W. Brody", written over a horizontal line.

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Docket No.: 12054-0056
Date: June 16, 2009